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SEC

SERVICE DATE – JANUARY 11, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34421

HOLRAIL LLC—CONSTRUCTION AND OPERATION EXEMPTION—
IN ORANGEBURG AND DORCHESTER COUNTIES, SC

STB Finance Docket No. 34421 (Sub-No. 1)

HOLRAIL LLC—
PETITION FOR CROSSING AUTHORITY UNDER 49 U.S.C. 10901(d)

Decided: January 10, 2006

By petition filed on November 13, 2003, HolRail, LLC (HolRail) seeks an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 for authority to construct and operate approximately 2 miles of rail line in Orangeburg and Dorchester Counties, SC. On September 9, 2005, HolRail filed its petition for crossing, along with supplemental evidence in support of its petition for exemption. By a decision served on October 6, 2005 (and modified by a decision served on October 25, 2005 to correct an inadvertent error), the Board adopted a procedural schedule agreed to by the parties. Under the procedural schedule, the reply of CSX Transportation, Inc. (CSXT), to HolRail's crossing petition and supplemental evidence would be due on January 13, 2006.

On January 5, 2006, CSXT filed (by facsimile) a request for an extension until February 24, 2006, to file its reply. CSXT states that, due to the holidays, the theft of computers from counsel's office, and issues of first impression and complex engineering, additional time is needed to file its reply. CSXT argues that HolRail will not be prejudiced by this additional time, due to the fact that the Board's environmental review process is still ongoing.

HolRail filed a reply on January 6, 2006, opposing CSXT's extension request. HolRail disputes CSXT's assertions but agrees that some additional time is warranted because of the computer theft and proposes a 1-week extension. While HolRail is correct that the existing schedule already took the holidays into account, an extension of some time is appropriate. Because the environmental review is not yet complete, HolRail would not be prejudiced by a grant of the full extension sought by CSXT. Accordingly, under the circumstances, CSXT's extension request will be granted.

It is ordered:

1. The due date for replies to HolRail's petition for crossing and supplemental evidence is extended until February 24, 2006.

2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary